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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Benjamin Y.H. Liu

Appln. No.: 10/823,143

Filed : April 13, 2004

For : METHOD AND APPARATUS FOR
CASCADE IMPACTOR TESTING OF
INHALABLE DRUG THERAPIES
RECOVERY FOR CHEMICAL
ANALYSIS

Docket No.: M419.12-0044

2008 AUG -4 PM 5:00

Group No 1797

Examiner: Samuel P.
Siefke: **RECEIVED**

AUG 06 2008

OFFICE OF PETITIONS

**NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)
AS A SMALL ENTITY (37 CFR § 1.28(c))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS BEING
SENT BY U.S. MAIL, FIRST CLASS, TO THE
COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450, THIS

28 DAY OF July 2008.
[Signature]
PATENT ATTORNEY

08/06/2008 DALLIN 00000014 10823143

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645.00 OP

ERRONEOUS FILING OF SMALL ENTITY STATEMENT

1. On October 5, 2000, a small entity assertion was erroneously filed in the parent application for the above identified divisional application and was also asserted in this divisional application.
2. This assertion of small entity status in this application and the payment of fee(s) as a small entity in the parent application and his application were made in good faith, in that the assignee had less than 500 employees.
3. It has now been discovered that such status as a small entity was established in error in good faith. Applicant believed in good faith it was entitled to small entity status and has now discovered it may not be so, because of possible licensing arrangements involving the invention disclosed and claimed.

4.	<u>FEE(S) ERRONEOUSLY PAID AS A SMALL ENTITY</u>	<u>FEE ACTUALLY PAID AS A SMALL ENTITY</u>	<u>DEFICIENCY OWED</u>
	Filing fee paid 4/13/2004	\$385	\$645

Total deficiency owed:

\$645.00

Payment of Deficiency

5. The total deficiency owed is paid as follows:
PTO Form 2038 in the amount of \$645.00 is attached.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to the undersigned attorney's Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By:



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NEW:rkp